

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **KEVIN S. LADIN, M.D.**

4 Holder of License No. 20895
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-12-0276A

**ORDER FOR LICENSE
REACTIVATION, PROBATION, AND
CONSENT TO THE SAME**

7 Kevin S. Ladin, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the
9 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of
12 the practice of allopathic medicine in the State of Arizona.

13 2. Respondent is the holder of license number 20895 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-12-0276A after receiving Respondent's
16 request for license reactivation.

17 4. In May 2000, Respondent entered into a Stipulated Rehabilitation Agreement
18 which was successfully completed in May of 2005.

19 5. On November 10, 2011, Respondent entered into a Consent Agreement for
20 License Inactivation with Cause after self-reporting to the Board that he had relapsed
21 pursuant to A.R.S. §1452(F).

22 6. Respondent entered the Betty Ford Center and successfully completed
23 treatment on February 28, 2012 with the diagnosis of chemical dependency in early full
24 remission.
25

1 7. The Board's Physician Health Program (PHP) Monitor found that
2 Respondent is safe to practice medicine while enrolled in the PHP under the usual terms
3 and conditions.

4 CONCLUSIONS OF LAW

5 1. The Arizona Medical Board possesses jurisdiction over the subject matter
6 hereof and over Respondent.

7 2. The Board has received substantial evidence supporting the Findings of Fact
8 described above and said findings require the Board to either refer the matter for formal
9 hearing to revoke Respondent's license or reactive Respondent's license and place
10 Respondent on probation for five years with restrictions necessary to assure public safety.
11 A.R.S. § 32-1452(F).

12 3. The conduct and circumstances described above constitute unprofessional
13 conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol
14 or habitual substance abuse.").

15 ORDER

16 IT IS HEREBY ORDERED that:

17 1. Respondent's license is reactivated upon payment of the renewal fee.

18 2. Respondent is placed on Probation for **five years** with the following terms
19 and conditions:

20 1. Participation. Respondent shall promptly enroll in and participate in the
21 Board's Physician Health Program (PHP) monitoring service which is administered by a
22 private contractor. ("Monitor").

23 2. Relapse Prevention Group. Respondent shall attend the Monitor's relapse
24 prevention group therapy sessions one time per week for the duration of this Order, unless
25 excused by the relapse prevention group facilitator for good cause. Individual relapse

1 therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-
2 approves substitution. The relapse prevention group facilitators or individual relapse
3 prevention therapist shall submit monthly reports to the Monitor regarding attendance and
4 progress.

5 3. **12 Step or Self-Help Group Meetings.** If applicable, Respondent shall
6 attend ninety 12-step meetings or other self-help group meetings appropriate for
7 substance abuse and approved by the Monitor, for a period of ninety days. Upon
8 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
9 recovery program or other self-help program appropriate for substance abuse as
10 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
11 other self-help program meetings per week. Two meetings per month must be Caduceus
12 meetings. Respondent must maintain a log of all self-help meetings:

13 4. **Approved Primary Care Physician.** Respondent shall promptly obtain a
14 primary care physician and shall submit the name of the physician to the Monitor in writing
15 for approval. The approved primary care physician ("PCP") shall be in charge of providing
16 and coordinating Respondent's medical care and treatment. Except in an *Emergency*,
17 Respondent shall obtain medical care and treatment only from the PCP and from health
18 care providers to whom the PCP refers Respondent. Respondent shall promptly provide
19 a copy of this Order to the PCP. Respondent shall also inform all other health care
20 providers who provide medical care or treatment that Respondent is participating in PHP.
21 "*Emergency*" means a serious accident or sudden illness that, if not treated immediately,
22 may result in a long-term medical problem or loss of life.

23 5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
24 unless the PCP or other health care provider to whom the PCP refers Respondent
25 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.

1 "Medication" means a prescription-only drug, controlled substance, and over-the counter
2 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
3 controlled substance is prescribed, dispensed, or administered to Respondent by any
4 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
5 notify the Monitor immediately.

6 6. No Alcohol or Poppy Seeds. Respondent shall not consume alcohol, any
7 food, or other substance containing poppy seeds or alcohol.

8 7. Biological Fluid Collection. Respondent shall provide the Monitor in
9 writing with one telephone number that shall be used to contact Respondent on a 24 hour
10 per day/seven day per week basis to submit to biological fluid collection. For the purposes
11 of this section, telephonic notice shall be deemed given at the time a message to appear is
12 left at the contact telephone number provided by Respondent. Respondent authorizes any
13 person or organization conducting tests on the collected samples to provide testing results
14 to the Monitor. Respondent shall comply with all requirements for biological fluid
15 collection.

16 8. Out of State Travel and/or Unavailability at Home/Office Telephone
17 Number. Respondent shall provide the Monitor with written notice of any plans to travel
18 out of state.

19 9. Payment for Services. Respondent shall pay for all costs, including Monitor
20 costs associated with participating in PHP at the time service is rendered, or within 30
21 days of each invoice sent to the Respondent. An initial deposit of two months monitoring
22 fees is due upon entering the program. Failure to pay either the initial monitoring deposit
23 or monthly fees 60 days after invoicing will be reported to the Board by the contractor and
24 may result in disciplinary action up to and including revocation.

25 10. Interviews. Respondent shall appear in person before the Monitor for

1 interviews upon request, upon reasonable notice.

2 11. **Address and Phone Changes, Notice.** Respondent shall immediately notify
3 the Monitor in writing of any change in office or home addresses and telephone numbers.

4 12. **Relapse, Violation.** In the event of chemical dependency relapse by
5 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
6 Respondent's license shall be **summarily suspended pending a hearing for**
7 **revocation**. In the alternative, Respondent may **SURRENDER HIS LICENSE** if he agrees
8 in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

9 13. **Notice Requirements.** Respondent shall immediately provide a copy of this
10 Order to all current and future employers and all hospitals and free standing surgery
11 centers where Respondent has privileges. Within 30 days of the date of this Order,
12 Respondent shall provide the Monitor with a signed statement of compliance with this
13 notification requirement. Respondent is further required to notify, in writing, all employers,
14 hospitals and free standing surgery centers where Respondent currently has or in the
15 future gains employment or privileges, of a chemical dependency relapse.

16 14. **Out-of-State.** In the event Respondent resides or practices as a physician
17 in a state other than Arizona, Respondent shall participate in the rehabilitation program
18 sponsored by that state's medical licensing authority or medical society. Respondent shall
19 cause the monitoring state's program to provide written quarterly reports to the Monitor
20 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
21 program and Respondent shall immediately notify the Monitor if Respondent: a) is non-
22 compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for
23 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
24 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
25 additional treatment.

15 This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent.

16. The Board retains jurisdiction and may initiate new action based upon any violation of this Order.

DATED AND EFFECTIVE this 11th day of June, 2012.

ARIZONA MEDICAL BOARD

By Lisa S. Wynn
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law, and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 6. Upon signing this agreement, and returning this document' (or a copy
5 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
6 entry of the Order. Respondent may not make any modifications to the document. Any
7 modifications to this original document are ineffective and void unless mutually approved
8 by the parties.

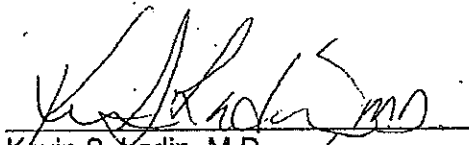
9 7. This Order is a public record that will be publicly disseminated as a formal
10 disciplinary action of the Board and will be reported to the National Practitioner's Data
11 Bank and on the Board's web site as a disciplinary action.

12 8. If any part of the Order is later declared void or otherwise unenforceable, the
13 remainder of the Order in its entirety shall remain in force and effect.

14 9. If the Board does not adopt this Order, Respondent will not assert as a
15 defense that the Board's consideration of the Order constitutes bias, prejudice,
16 prejudgment or other similar defense.

17 10. Any violation of this Order constitutes unprofessional conduct and may result
18 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
19 consent agreement or stipulation issued or entered into by the board or its executive
20 director under this chapter") and 32-1451.

21 11. ***Respondent has read and understands the conditions of probation.***

22
23 
24 Kevin S. Ladin, M.D.

DATED: May 8, 2012

1 EXECUTED COPY of the foregoing mailed
2 this 11 day of June, 2012 to:

3 Calvin L. Raup
4 Buckley King
5 2020 North Central Ave.
6 Suite 1120
7 Phoenix, AZ 85004

8 ORIGINAL of the foregoing filed
9 this 11 day of June, 2012 with:

10 Arizona Medical Board
11 9545 E. Doubletree Ranch Road
12 Scottsdale, AZ 85258

13 Mary Babey
14 Arizona Medical Board Staff
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